BENCH-BAR COALITION (BBC)

Quarterly Membership Conference Call: Monday, July 17, 2017; 4:00 p.m. – 5:00 p.m. Telephone number: (877) 820-7831, Passcode: 785036 Conference Line Opens at 3:55 p.m.

DRAFT AGENDA

I. Welcome/Introductions (5 minutes)

Ms. Melissa L. White and Hon. Holly J. Fujie, BBC Cochairs

II. Update from the Judicial Council (20 minutes)

Mr. Martin Hoshino, Administrative Director; Judicial Council of California; Mr. Cory Jasperson, Director, and Ms. Laura Speed, Supervising Attorney, Judicial Council, Governmental Affairs

III. Bench-Bar Coalition Activities (10 minutes)

BBC Leadership and Members

- 2017 Nominations for open positions:
 - o Cochair, Northern/Central Region
 - o 2 Member(s) at Large, Northern/Central Region

IV. Legal Community Updates: (15 minutes)

(Individuals appearing in bold have confirmed their availability to participate in today's call.)

State Bar of California

Mr. James P. Fox, President, Board of Trustees, and Ms. Elizabeth Rindskopf Parker, Executive Director, State Bar of California

Legal Services and the California Commission on Access to Justice

Hon. Mark A. Juhas, Chair, California Commission on Access to Justice, and Ms. Rebecca Farmer, Director of Communications, State Bar of California

Update from California Judges Association

Hon. C. Todd Bottke, President, and Mr. Stanley Bissey, Executive Director, California Judges Association

Update on American Bar Association

Ms. Ruthe Ashley, California Bench-Bar Coalition Liaison to the ABA, and Mr. John McDonnell, California representative on the ABA Board of Governors

V. Calendar Review and Adjournment (5 minutes) (attachment)

- Thursday, September 7, 2017: 4:30-5:30 p.m., Ratification of Executive Committee, Conference Call
- Friday, September 15, 2017: Legislature Adjourns; reconvenes in January 2018
- Monday, October 23, 2017: 4:00–5:00 p.m., BBC Quarterly Membership Conference Call



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

June 7, 2017

To

Members of the Bench-Bar Coalition

From

Martin Hoshino, Administrative Director Hon. Holly J. Fujie, Cochair Ms. Melissa L. White, Cochair Bench-Bar Coalition

Subject

Solicitation for Bench-Bar Coalition Northern/Central Region Cochair and Executive Committee Members at Large **Action Requested**

Please Review and Submit Recommendations

Deadline

August 1, 2017

Contact

Laura E. Speed, Supervising Attorney Judicial Council Governmental Affairs 916-323-3121 phone 916-323-4347 fax laura.speed@jud.ca.gov

The Bench-Bar Coalition (BBC) is seeking to fill three leadership positions to help advance and guide the development of strong working relationships and communication between the judiciary and members of the bar, and enhance advocacy efforts with the legislative and executive branches of government. We invite you to consider representing Northern/Central California as a cochair or executive committee member at large, or to recommend other candidates for the three available positions.

The two-year terms of Cochair Ms. Melissa L. White and two executive committee members at large representing the Northern/Central Region expire in October 2017. In keeping with the BBC's policy of leadership rotation, Judge Holly J. Fujie will continue to represent the Southern Region as cochair through 2018 (see attached roster).

Members of the Bench-Bar Coalition June 7, 2017 Page 2

Candidate Qualifications

Candidates must be BBC members for the Northern/Central Region. Counties in the Northern/Central Region include those in the Court of Appeal, First, Third, Fifth, and Sixth Appellate Districts: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

All candidates should be active participants in BBC membership conference calls and events.

Although not required, previous service on the executive committee is considered for the cochair position.

Candidate Statements of Interest

Candidates or those nominating a candidate are asked to submit a one-page statement of interest to serve as BBC cochair or an at-large member of the executive committee, along with a current biography or curriculum vitae by Monday, August 1, 2017.

This information may be submitted by mail, fax, or e-mail to:

Ms. Jenniffer Herman, Administrative Coordinator Judicial Council of California Governmental Affairs 770 L Street, Suite 1240 Sacramento, California 95814

Phone: 916-323-3121, Fax: 916-323-4347 E-mail: jenniffer.herman@jud.ca.gov

A nominating committee will be formed consisting of the two BBC cochairs, the immediate past cochair, two at-large members selected by the current and past cochairs, the president of the State Bar of California, and the Judicial Council's Administrative Director or Chief of Staff. The nominating committee will recommend selected nominees for ratification on a conference call with the full BBC membership on Thursday, September 7, 2017.

Members of the Bench-Bar Coalition June 7, 2017 Page 3

Ratification Process

During the conference call, the selected nominees will be asked to briefly recap their statements of interest and confirm their willingness to serve. The membership will then be asked to ratify each nomination by voice vote. Because there is not a fall meeting scheduled, the new members will also be installed during this call.

If you have specific questions about the BBC's nominating process, please contact Laura Speed. We look forward to receiving your statements of interest within the next few weeks.

MH/HJF/MLW/LES/jh

Enclosures

cc: Hon. Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the Judicial Council

Hon. Kenneth K. So, Judicial Council Liaison to the BBC

Hon. Harold W. Hopp, BBC Past Cochair (Southern Region)

Ms. Rebecca Farmer, Director of Communications, State Bar of California

Hon. Joan A. Weber, Judge, Superior Court of California, County of San Diego

Mr. James O. Heiting, BBC Executive Committee Member at Large (Southern Region)

Mr. Pelayo A. Llamas, BBC Executive Committee Member at Large (Northern/Central Region)

Ms. Windie O. Scott, BBC Executive Committee Member at Large (Northern/Central Region)

Mr. Cory T. Jasperson, Director, Judicial Council Governmental Affairs



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

June 27, 2017

То

Judicial Officers
Court Administrators
Employees of the Judicial Branch

From

Martin Hoshino Administrative Director Judicial Council

Subject

2017-2018 Judicial Branch Budget

Action Requested

For Your Information

Deadline

N/A

Contact

Zlatko Theodorovic, Director, Budget Services 916-263-1397 phone zlatko.theodorovic@jud.ca.gov

Cory Jasperson, Director, Governmental Affairs 916-323-3121 phone cory.jasperson@jud.ca.gov

The Budget Act of 2017, signed into law by Governor Brown today, provides a total state operational budget of \$3.7 billion for the judicial branch, and includes \$70.7 million in new funding. The judicial branch budget represents 2.0 percent of the total State Budget and 1.3 percent of the General Fund. Approximately 76.2 percent of the branch budget goes to support trial court operations. This memo details fiscal year (FY) 2017–2018 funding for the judicial branch, which provides new funding to support dependency counsel, legal aid for low-income Californians, and technology projects that increase efficiency.

As stated in the introduction to the FY 2017–2018 California State Budget:

The 2017 Budget Act continues to bolster the state's Rainy Day Fund and pay down accumulated debts and liabilities to counter the potential fiscal impact of federal policy changes on California and the potential end of an economic expansion that has surpassed historical averages. While maintaining fiscal prudence, the Budget focuses state spending on the Governor's key priorities—investing in education, counteracting the effects of poverty, and improving the state's streets, roads and transportation infrastructure.

In her statement on the final budget, the Chief Justice acknowledged the additional funds for the judicial branch, but expressed disappointment that California's underfunded court system did not receive more help to meet the needs of the public. The Chief's comment on the increasing pressures on courts to find ways to operate without a stable funding solution highlights the risks and urgent need to shift away from a court funding structure that is overly reliant on fine and fee revenues.

Judicial Branch Funding for FY 2017–2018

Supreme Court	\$48.6 m
Courts of Appeal	\$234.0 m
Trial Courts	\$2,822.3 m
Judicial Council	\$140.4 m
Judicial Branch Facility Program	\$440.9 m
Habeas Corpus Resource Center	\$15.8 m
Subtotal, Operational Budget	\$3,702.0 m
Offset From Local Property Tax Revenue	-\$45.9 m
Adjusted Operational Budget	\$3,656.1 m
Less Nonstate Funds ¹	-\$95.3 m
Adjusted Operational Budget, State Funds	\$3,560.8 m
Court Construction Projects ³	\$18.2 m
(Separate budget line item)	
Total Funding ²	\$3,674.3 m

¹ Nonstate funds include federal funds and reimbursements.

The table below identifies the \$70.7 million in new funding provided to the branch by program area:

Judicial Branch Programs:	
Supreme Court	\$2.2 m
Courts of Appeal	\$10.4 m
Trial Courts	\$37.0 m
Judicial Council	\$7.9 m
Judicial Branch Facility Program	\$0 m
Habeas Corpus Resource Center	\$0.9 m
Subtotal, Judicial Branch Funding	\$58.4 m
Funding available for various programs/grantees:	
Equal Access Fund Grants	\$10.0 m
Total Judicial Branch Funding	\$68.4 m
Court Construction Projects ¹	\$2.3 m
Total Funding to Support Judicial Branch	\$70.7 m

¹ Includes funding for new projects only.

² Includes General Fund, special, bond, federal, and nongovernmental costs, funds, and reimbursements.

³ Includes reappropriations for current projects and funding for new projects.

Note: Some totals will not be exact due to rounding.

2017-2018 Budget Highlights

New funding totaling \$42.2 million is included in the FY 2017–2018 budget for the following components:

Court-appointed dependency counsel: \$22 million ongoing to support workload associated with court-appointed dependency counsel, which brings the total funding to \$136.7 million, resulting in the statewide average caseload declining over time by approximately 25 percent.

Equal Access Fund: \$10 million for two years to provide grants to legal service agencies and programs that offer legal assistance in civil matters to low-income Californians. This brings total funding for the Equal Access Fund to \$25.9 million (\$20.4 million General Fund and \$5.5 million Trial Court Trust Fund).

Case management system replacement: \$5 million over two years to enable the replacement of the outdated Sustain Justice Edition case management systems in the Superior Courts of Humboldt, Lake, Madera, Modoc, Plumas, Sierra, San Benito, Trinity, and Tuolumne Counties. Some \$4.1 million will be provided from the General Fund in FY 2017–2018 and \$0.9 million in FY 2018–2019 to enable these trial courts to establish a digital court foundation by implementing a modern and supportable case management system needed to deliver services to the public effectively.

Statewide electronic filing implementation: A \$1.2 million loan from the General Fund over two years to implement and administer a statewide electronic filing program (\$671,000 in FY 2017–2018 and \$491,000 in FY 2018–2019), enabling increased electronic filing access for court users. The cost recovery fee that will be charged to system users will support the loan repayment and the ongoing cost to operate the e-filing program. Trailer bill language requires electronic filing and service of documents to be accessible to individuals with disabilities (see FY 2017–2018 Trailer Bill Provisions section, below).

Implementation of the Financial Information System for California (FI\$Cal) program: \$2.0 million to replace accounting, budgeting, and procurement functions currently performed by the Judicial Council using the Oracle Financial System with the statewide FI\$Cal program. Migrating to the FI\$Cal program will incorporate new elements to improve processes and functionality and more effectively comply with state reporting requirements. If the Judicial Council recommends approval to join FI\$Cal, Judicial Council staff are expected to work over the next 12 months with the FI\$Cal project team to deploy the system.

Document management system for the appellate courts: \$1.3 million to purchase and deploy a document management system to process, track, retrieve, store, and manage the large volume of electronic documents processed by the Supreme Court and Courts of Appeal. The document management system will improve efficiency, reduce costs associated with record storage and retrieval, and enhance quality of service to the public.

Language access: \$352,000 to support implementation of a video remote interpreting spoken language pilot, a key element of the Judicial Council—approved *Strategic Plan for Language Access in the California Courts*. This will maximize limited-English-proficiency court users' ability to fully participate in court proceedings using video remote interpreting and continue progress toward the goal of providing interpreters to all parties who require one, as outlined in Government Code section 68092.1 and Evidence Code section 756.

Court interpreter program: \$490,000 to support interpreter services by expanding recruitment and testing efforts and providing continuing education.

Revenue backfill: Maintains \$55 million in General Fund support to address anticipated revenue shortfalls in the Trial Court Trust Fund due to lower filing fee and criminal assessment revenues. Revenue into the fund will likely increase slightly in FY 2017–2018; therefore, the amount of General Fund backfill is reduced by \$20 million over the 2016 Budget Act. Because this amount backfills a corresponding loss in other revenue sources, this action does not change the total amount of funding appropriated for trial court operations.

Judgeships: Reallocates two vacant judgeships from the Superior Courts of Santa Clara and Alameda Counties to the Superior Courts of Riverside and San Bernardino Counties, respectively. It also identifies that the term of the reallocated judgeships would begin on January 2, 2018, and that a court in which a vacant judgeship is reallocated shall not have its funding allocation reduced, shifted, or transferred as a result of the reallocation.

Subordinate judicial officer conversions: The budget authorizes the conversion of 16 subordinate judicial officer (SJO) positions to judgeships in FY 2017–2018 in accordance with Government Code section 69615(c)(1)(B). SJO conversions are assigned to courts based on the current Judicial Needs Assessment and take into account the number of SJO positions a court has coupled with workload considerations. The courts eligible for conversions are divided into groups by court size¹ and need; the 16 annual SJO conversions are distributed across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible. SJO positions may be converted only when there is a judicial vacancy; courts apply to the Judicial Council's Executive and Planning Committee to convert SJO positions to judgeships.

Sheriff-provided court security for the reallocation of judgeships: \$280,000 is provided to counties for increased trial court security costs resulting from the reallocation of four existing vacant trial court judgeships to trial courts with greatest judicial need as of January 1, 2018. (This would result in a full-year implementation of \$560,000 in FY 2018–2019.) *Note: This is a direct appropriation to the counties and not included in the totals above.*

¹ Group 1: Los Angeles; Group 2: Orange; Group 3: Alameda, Contra Costa, Riverside, Sacramento, San Diego, San Francisco; Group 4: El Dorado, Fresno, Imperial, Kern, Marin, Merced, Napa, Placer, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, Yolo.

Veterans' courts: \$100,000 for the Judicial Council to support an independent evaluation of the effectiveness of veterans' treatment courts. A matching \$100,000 private donation brings the total available to \$200,000 for the study.

Court-appointed counsel program for the Supreme Court and Courts of Appeal: \$0.3 million for the Supreme Court Appellate Project—San Francisco and \$0.8 million for the six appellate projects to support increases in the costs of doing business (technology, rent, insurance, and personal services).

Additional funding \$26.2 million is included in the FY 2017–2018 budget for the following workload adjustments:

Trial court employee costs: \$4.9 million for trial court employee retirement and health benefit costs

Judicial compensation adjustments: \$5.1 million for previously approved judicial officer salary and benefit cost increases. Judicial salaries are set by operation of statute (Government Code section 68200 et seq.) and increases are tied to state employee salaries. The increase reflects the average salary increase for the current fiscal year for California state employees as explained in Government Code section 68203(a).

State judicial branch employee costs: Retirement and health benefit cost adjustments for employees of the Supreme Court (\$1.7 million), Courts of Appeal (\$7.9 million), Judicial Council (\$5.1 million), and Habeas Corpus Resource Center (\$0.8 million), consistent with all other state employees.

Rent costs: \$0.7 million for rent increases in buildings occupied by the Supreme Court, the Courts of Appeal, and the Habeas Corpus Resource Center.

Technical adjustment: Merges the Judicial Council and Judicial Branch Facility Programs for budgeting, accounting, and transparency purposes and reflects the current reality that these two programs operate as one program, which totals \$581.3 million. Of this, \$440.9 million is for the Judicial Branch Facility Program: \$418.3 million is expended for the trial courts for facility modifications, rent and lease payments, utilities, and insurance, and \$22.6 million is for staff and operating expenses and equipment. The remaining \$140.4 million is budgeted to support Judicial Council operations.

Judicial Branch Construction Program

The Governor's proposal for the Facility Construction Program, which appears as a separate line item in the State Budget, authorizes the reappropriation of \$23.9 million for five projects and includes \$2.3 million for two new projects (see below).

Court Facility Construction Projects

1.	Calaveras County (reappropriation) New San Andreas Courthouse	\$269,000	Construction
2.	Riverside County (reappropriation) New Riverside Mid-County Courthouse	\$7,059,000	Construction
3.	San Bernardino County (reappropriation) New San Bernardino Courthouse	\$517,000	Construction
4.	Tulare County (reappropriation) New Porterville Courthouse	\$97,000	Construction
5.	Sacramento County (reappropriation) New Sacramento Criminal Courthouse	\$16,000,000	Working Drawings
6.	Siskiyou County New Yreka Courthouse	\$664,000	Construction (demolition)
7.	Alameda County New East County Hall of Justice Courthouse (Data Center)	\$1,576,000	Preliminary Plans, Working Drawings, Construction

Siskiyou County–Yreka Courthouse: \$664,000 from the Immediate and Critical Needs Account (ICNA) for demolition of existing structures on the acquired site. This project will provide relief from potential risks related to the abandoned buildings.

Alameda County-East County Hall of Justice Courthouse (Data Center): \$1.6 million from the ICNA, which will be reimbursed by the County of Alameda from local courthouse construction funds, to complete the Data Center project in the East County Hall of Justice Courthouse.

The budget also includes authority to transfer \$5.2 million from the Court Facilities Trust Fund to the Immediate and Critical Needs Account to support debt service payment for the Superior Court of Santa Clara County's new Family Justice Center completed in 2016.

Construction fund redirections by the administration and the Legislature (\$1.4 billion over 8 years) and declining revenue (5 percent) that supports the construction program has dramatically affected the status of the court construction program. Additionally, as part of the budget package, the \$90 million General Fund loan repayment to the ICNA scheduled for repayment in 2018–2019 has been delayed until FY 2022–2023, further compounding reduced resources necessary to support court construction projects. Continued support of the program is essential to maintaining access to justice, and we continue to seek solutions and advocate for assistance from the Legislature and the Governor.

2017-2018 Trailer Bill Provisions

Several trailer bills include provisions relevant to the judicial branch. Trailer bills are used to enact statutory changes necessary to implement the budget.

Public Safety Trailer Bill (Assem. Bill 103)

Driver's License Suspension for Failure to Pay: Includes statutory changes to eliminate the ability of a court to initiate a driver's license suspension or hold if the defendant fails to pay. Deletes the authority of the Department of Motor Vehicles to suspend a driver's license if the driver receives notice of a failure to pay. Requires the Judicial Council to annually report on revenue and collections from criminal fines and fees related to infractions and misdemeanors for each court and county beginning October 1, 2018. The language is intended to provide flexibility to an individual by allowing him or her to retain driving privileges during resolution of the court case. We have consistently advocated that the resulting loss in revenue for court operations will need to be addressed. The administration has recognized the impact to trial courts and has committed to providing relief through the existing budget process. The Judicial Council will work with the administration over the next several months to determine the baseline by which to calculate potential revenue losses as well as analyze all branch revenue sources to identify a standard approach for revenue backfills relative to this change.

Equal Access Fund/Class Action cy pres: Requires that at least 25 percent of the unpaid cash residue or unclaimed or abandoned class member funds generally attributable to California residents, plus any accrued interest that has not otherwise been distributed, be deposited in the Trial Court Improvement and Modernization Fund, subject to appropriation by the Legislature to the Judicial Council for grants to trial courts for new or expanded collaborative courts or grants for Sargent Shriver Civil Counsel projects. Further requires that at least 25 percent of the residual funds be transmitted to the Equal Access Fund. The remaining 50 percent of the funds would continue to be administered under current law.

Statewide electronic filing: Includes statutory changes requiring that electronic filing and service of documents be accessible to individuals with disabilities; also requires the contract with the entity providing electronic filing services to include a requirement for testing and verifying system accessibility by June 30, 2019.

Appointment of chief probation officer: Revises and recasts the role and responsibilities of the chief probation officer. Further, requires the presiding judge in a county with two judges, or a majority of the judges in a county with more than two judges, to appoint the chief probation officer upon nomination of the Juvenile Justice Commission instead of appointment by the judge of the juvenile court.

Transfer of the San Diego courthouse property: Authorizes the transfer the San Diego court facility property to the County of San Diego and use of existing environmental reports for the demolition of the old courthouse and further development of the property. The language also restricts the use of the property by the Board of Supervisors of the County of San Diego for development or leasing purposes.

Incompetent to stand trial: Shifts authority from the judge to the Department of State Hospitals related to the placement of a defendant into Jail-Based Competency Treatment programs if found to be incompetent to stand trial.

State Employment Trailer Bill (Sen. Bill 96)

Judicial salaries: Includes statutory changes to the judicial salary calculations as outlined in Government Code section 68203. Under existing law, judicial officer salaries are tied to the salary increases of other state workers. This amendment changes the calculation so that judicial officers receive the proportional equivalent of salary increases that have been provided to state workers retroactive to July 1.

General Government Trailer Bill (AB 119)

New employee orientation: Includes statutory changes to the Trial Court Employment Protection and Governance Act and the Trial Court Interpreter Employment and Labor Relations Act. Requires employers to provide the exclusive representative of employees mandatory access to its new employee orientations (with 10 days advance notice); defines new employee orientation as the onboarding process; and ensures that new public employees are advised of their employment status, rights, benefits, duties, and responsibilities, or any other employment-related matters. Includes amendments to define the mechanisms by which an exclusive representative has access to the employee and requires arbitration costs to be shared, except in specified cases.

Health and Human Services Trailer Bill (SB 89)

Psychotropic medications: Includes statutory changes to clarify how second opinions on requests to authorize the use of specified psychotropic medications in children subject to court jurisdiction are paid for.

Next Steps

At its July 28, 2017, meeting, the Judicial Council will consider and vote on trial court funding allocation recommendations submitted by its Trial Court Budget Advisory Committee for FY 2017–2018.

During this budget cycle, the Trial Court Budget Advisory Committee, chaired by Judge Jonathan Conklin; the Trial Court Presiding Judges and Court Executives Advisory Committees, chaired respectively by Judge Jeffrey Barton and Mr. Jake Chatters; other council advisory committees; council staff; and justice partners including the California Judges Association and the bar have worked tirelessly in advocating judicial branch priorities. The Judicial Council and the branch will continue to benefit from their expertise and commitment in this next cycle that is already under way.

For the new fiscal year that begins on July 1, efforts remain focused on addressing systemic challenges confronting the judicial branch: the need for increased funding, budget stability, finding solutions to declining filing fee and penalty assessment revenues that support critical court operations, filling unmet dependency counsel needs, additional judgeships, availability of funds for courthouse construction, and addressing unfunded costs outside of the courts' control.

The Judicial Council will continue to work closely with court leadership, justice system stakeholders, and sister branches of government to address these challenges for the judiciary, improve branchwide operations, and enhance consistent and timely access to justice.

For Reference

Below are links to the budget and trailer bills and to the Department of Finance's budget website:

- AB 97 Budget Act of 2017 (judicial branch budget on pp. 6–21)
- <u>AB 103</u> public safety trailer bill (§§ 4: Equal Access Fund/Class Action cy pres; § 5: Statewide electronic filing; §§ 15–16, 27–29, 56–59: Appointment of Chief Probation Officer; § 17: Revenue and Collections Report; §§ 18–22 Reallocation of Vacant Judgeships; § Transfer of San Diego Courthouse property; §§ 30–32, 61, 64: Incompetent to Stand Trial; §§ 33, 51 54: Driver's License Suspension for Failure to Pay)
- AB 119 general government trailer bill (§§ 1–2: new employee orientation)
- SB 96 state employment trailer bill (§ 7: judicial salary changes)
- SB 89 health and human services trailer bill (§§ 11 12: psychotropic medications use for children under the jurisdiction of the juvenile courts)
- www.ebudget.ca.gov